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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/826,308 | 04/05/2001 | Masahiro Someno | Q63977 | 4174 |

7590 04/24/2007
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213

EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2625

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/24/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/826,308 | SOMENO ET AL. | |
| | Examiner | Art Unit | |
| | Thierry L. Pham | 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/12/07</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 3/12/07.
- Claims 1-17, and 20 (canceled); claims 18-19 (withdraw); claims 21-23 (consider).
- IDS filed on 3/12/07 has been considered and herein attached (PTO 1449) with Office Action.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/12/07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (US 6433882), and in view of Hori et al (US 6359696).

Regarding claim 22, Mori discloses a computer (*personal computer 10, fig. 2b*) which controls transfer of print data to a printer (*printer 30, fig. 2b*), comprising:

- means for reading spool files (*spool files 18, fig. 2b*) storing a plurality of subfiles (*EMF files, fig. 3*) each generated by dividing print data into packets (*divide print job into multiple pages via page separation unit 22, fig. 2b, col. 9, lines 45-52*), a command file (*command files, fig. 3, col. 6, lines 30-35*) which stores a group of commands (*group of commands, fig. 3*) which control a printer, and a spool file which includes information

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for specifying the subfile and information for specifying the command file in a storage device (had disk 106, fig. 2b);

- means for reading (*spool file processor 20, fig. 2b*) the subfile specified by the spool file to output the print data included in the subfile (*outputting EMF print data to printer 30, fig. 2b, col. 6, lines 36-45*);

- means for detecting (*process control command means 20a, fig. 2b, col. 2, lines 60-63*) whether the command file (*command files, fig. 3, col. 6, lines 30-35*) specified by the information for specifying the command file stored in the spool file has been updated or not every time the subfile is read (*newly added commands, col. 10, lines 43-46 and col. 11, lines 17-23*);

- means for reading (*process control command means 20a, fig. 2b, col. 2, lines 60-63*) the command file when the computer detects that the command file specified by the spool file has been updated (*newly added commands, col. 10, lines 43-46 and col. 11, lines 17-23*).

Mori teaches a printer driver for generating and inputting print control commands and stored as a command file (col. 8, lines 1-3 and col. 45-67) for controlling printer's operation, but fails to explicitly teach or suggest "print canceling command" instructions/commands to stop the printer from printing if the cancel command is added in the command file.

Hori, in the same field of printing, teaches a well-known example of a print control command "print canceling command" is added in the command file to stop the printer from printing (col. 5, lines 48-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify print control command (file) of Mori to include a "print canceling command" as taught by Hori because of a following reason: (●) to stop the printer from printing the print data that is not intended by the operators/users, by doing so, to reduce consumable waste (i.e. ink, paper, and etc).

Therefore, it would have been obvious to combine Mori with Hori to obtain the invention as specified in claim 1.

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Regarding claim 21: Claim 21 recite limitations that are similar and in the same scope of invention as to those in claim 22 except computer readable memory for storing computer programs. All computers/printers have some type of computer readable medium (i.e. RAM 103, fig. 2a) for storing computer programs, hence claim 21 would be rejected using the same rationale as in claim 22 as described above.

Regarding claim 23: Claim 23 is the methods corresponding the apparatus and recite limitations that are similar and in the same scope of invention as to those in claim 23; therefore, claim 23 is rejected for the same rejection rationale/basis as described in claim 22 above.

Response to Arguments

Applicant's arguments filed 3/12/07 have been fully considered but they are not persuasive.

- Regarding claims 21-23, the applicants argued the EMF file as taught by the cited prior art of record (US 6433882 to Mori) is not generated by dividing the print data into packets.

In response, EMF files (e.g. EMF pages) as taught by Mori are files that were divided from print data (*divide print job into multiple pages via page separation unit 22, fib. 2b, col. 9, lines 45-52*). Fig. 3 shows an example of spool file 18 having plurality of EMF files (e.g. first page EMF, second page EMF, and third page EMF, and etc). These EMF files are herein interpreted as packets. A packet is well known in the art to contain a header, payload data, and an end command. Sampled EMF file as shown in fig. 3 meets these criteria (e.g. command 1, data, and End command respectively).

- Regarding claims 21-23, the applicants argued print data as taught by Mori are being stored in EMF files as rather than stored separately as subfiles (as claimed in claim 21-23) and wherein spool file that only stores information for specifying the subfile and command files.

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In response, the Examiner disagrees with applicants' arguments. The Examiner fails to locate any limitations and/or features as cited in claims 21-23 that indicate spool file, commands files, and subfiles are "*separately*" stored. In addition, the Examiner fails to locate any limitations and/or features as cited in claims 21-23 that indicate spool file "*only*" stores information specifying subfile and command file. Since none of the cited claims include features (e.g. "*separately*" stored and "*only*") as argued above, the Examiner herein assumes these files (spool file, command files, and subfiles) are stored together in a single file (which is spool file 18 as shown in fig. 3). Fig. 3 of Mori shows an example of spool file 18 that includes plurality of EMF files, and wherein each EMF file includes both subfile (data files) and command file (command files).

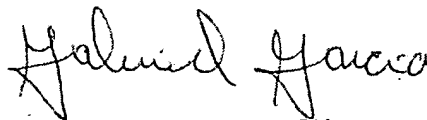
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham



GABRIEL I. GARCIA
PRIMARY EXAMINER